

The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. ROSEN) and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER) and the Senator from Missouri (Mr. BLUNT).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote or change their vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 188 Ex.]

YEAS—51

Baldwin	Hassan	Ossoff
Bennet	Heinrich	Padilla
Blumenthal	Hickenlooper	Peters
Booker	Hirono	Reed
Brown	Kaine	Sanders
Cantwell	Kelly	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Sinema
Collins	Lujan	Smith
Coons	Manchin	Stabenow
Cortez Masto	Markey	Tester
Duckworth	Menendez	Warner
Durbin	Merkley	Warnock
Feinstein	Murkowski	Warren
Gillibrand	Murphy	Whitehouse
Graham	Murray	Wyden

NAYS—45

Barrasso	Hagerty	Risch
Blackburn	Hawley	Romney
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Crapo	Lummis	Thune
Cruz	Marshall	Tillis
Daines	McConnell	Toomey
Ernst	Moran	Tuberville
Fischer	Paul	Wicker
Grassley	Portman	Young

NOT VOTING—4

Blunt	Rosen
Cramer	Van Hollen

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the Lowman nomination.

The legislative clerk read the nomination of Christopher Joseph Lowman, of Virginia, to be an Assistant Secretary of Defense.

VOTE ON LOWMAN NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Lowman nomination?

Mr. BENNET. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. ROSEN) and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from North Dakota (Mr. CRAMER), and the Senator from Arkansas (Mr. SUL-LIVAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 189 Ex.]

YEAS—94

Baldwin	Hagerty	Peters
Barrasso	Hassan	Portman
Bennet	Heinrich	Reed
Blackburn	Hickenlooper	Risch
Blumenthal	Hirono	Romney
Booker	Hoeven	Rounds
Boozman	Hyde-Smith	Rubio
Braun	Inhofe	Sanders
Brown	Johnson	Sasse
Burr	Kaine	Schatz
Cantwell	Kelly	Schumer
Capito	Kennedy	Scott (FL)
Cardin	King	Scott (SC)
Carper	Klobuchar	Shaheen
Casey	Lankford	Shelby
Cassidy	Leahy	Sinema
Collins	Lee	Smith
Coons	Lujan	Stabenow
Cornyn	Lummis	Tester
Cortez Masto	Manchin	Thune
Cotton	Markey	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Moran	Warren
Ernst	Murkowski	Whitehouse
Feinstein	Murphy	Wicker
Fischer	Murray	Wyden
Gillibrand	Ossoff	Young
Graham	Padilla	
Grassley	Paul	

NAYS—1

Hawley

NOT VOTING—5

Blunt	Rosen	Van Hollen
Cramer	Sullivan	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. The junior Senator from Oklahoma.

BORDER SECURITY

Mr. LANKFORD. Madam President, in tracking through what is happening on our southern border, it is interesting I still have folks that catch me and say, "I don't see anything about it in the news anymore, so what is happening?"

So I try to periodically come here to the floor to be able to describe what is happening. Interestingly enough, just yesterday, the leadership of CBP did their news release that they normally do to kind of outline what is happening at the border.

In their news release they released out:

CBP works to secure and manage our borders while building a fair and orderly [im]migration system.

This is what they put out yesterday—while we build an orderly and fair migration system.

Interestingly enough, this was a picture taken the day before their press release. This was taken in the Eagle Pass area of Texas in the Rio Grande Valley, and, yes, that line you see are people coming across the river in Eagle Pass.

Now, you don't catch everything because you can't see how much farther it goes this way and how much farther it goes that way.

This was the day before CBP released this statement: We work to secure and manage our borders while building a fair and orderly migration system.

Earlier in the report, the very first page of the news release, CBP leadership said:

After many months of planning, we are executing a comprehensive strategy to safely, orderly, and humanely manage our borders. CBP is surging personnel and resources to the border, increasing processing capacity, securing more air and ground transportation, and increasing medical supplies, food, water and other resources to ensure a humane environment for those being processed, screened, and vetted.

By the way, just south and west of this, just the day before this was taken, Border Patrol picked up two child sex predators, four MS-13 gang members, and an 18th Street gang member—just right before this, just the day before this was released.

This is our frustration with the administration right now. Because the media has turned away and decided they are not going to look at this, that they are not going to pay attention to it, everyone seems to think everything has just gotten fine.

What is really happening on our southern border, again, from current statistics right now, they are only able to handle 44 percent of the flow coming across the border. At 44 percent of the flow, right now, they are releasing thousands of people directly into the country with a notice to report saying: "Turn yourself in to an ICE facility anywhere in the country, and they will process you there," because they can't handle the backlog of the thousands of people coming across.

What are we talking about, thousands of people? Well, remember last year when the cameras were all focused on the southern border? Last year, there were 6,500 migrants coming across a day at this time, and all the cameras were focused on the southern border because it was such a massive influx of people because 6,500 migrants were crossing a day. Right now, 7,800 migrants are crossing a day—7,800 a day.

Last month, the CBP released that almost a quarter million people illegally crossed our southern border in 1 month. That beat the old record of the month before when there was just under that by a couple thousand people—a quarter million people a month illegally crossing the border.

Now, to their credit, about half of those are turned away under what is

called title 42 authority because of the pandemic. Those single adults, half of them are turned back, but the interesting thing is the administration says on May 23—yes, next week—on May 23, they want to end title 42 authority, and so they are not turning anyone away at the border—so literally all quarter million cross into the country and no one gets turned away. When that happens, DHS's own numbers have estimated that when that occurs, they estimate that they will see a million people surge through the border in 6 weeks—6 weeks.

So what is happening on interior enforcement? Well, at the border right now, they are allowing a quarter million people to cross the border, turning half of them away, but their plan is, next week, they are going to stop turning anyone away. Everyone is going to cross in.

How many people are being deported? Criminal aliens, individuals that have a final order of removal from a court, how is that going? Well, currently, under this administration, we have a record low number of deportations that are happening. While we have 7,800 people a day illegally crossing the border, ICE is now deporting 203 people a day from the Nation.

So let me run those numbers past you again: 7,800 people a day illegally crossing the border, 203 people being turned around due to ICE custody and releasing them back into their country where they came from.

Now, these aren't folks just from Central America. In fact, now about half of the people coming are not from Mexico or Central America. They are coming from all over the world. Last year, we had people from every single country on the planet illegally cross the border in the 2 million people that crossed the border. They came from every single country in the world—yes, including Iran and North Korea, all of it.

But this administration is now working towards next week saying we are going to lift title 42 authority, and we are not going to turn anyone around.

Currently, what is happening? When individuals come across the border, they are given notification. They will request for asylum, all they have to say is, "I have credible fear." They will say, "What city would you like to go to in the entire U.S.? You can go to any city you want to go to." They pick their city, they are given a piece of paper, and on that piece of paper, they are told here is your court date 8 years in the future—8 years in the future. And they go anywhere they want to in the country for the next 8 years.

And they are told to keep that piece of paper with them. If they are ever pulled over, they can pull it out and show: I am awaiting my court date. I am here for the next 8 years.

Now, let me ask you a simple question: If I have to go through the legal process to be able to get a visa or a work visa and go through all of that

process and fill out paperwork, or—and I will be here just temporarily for a season, or I can illegally cross the border and I will be here for the next 8 years, which would you pick?

This administration is literally incentivizing this and encouraging more people to illegally cross the border. Is there a way to be able to handle this? Yes, there is. Some of it is overly simplistic, I understand. Let's start with finish building the wall system because there are gaps in the fence and everyone heads towards those gaps in the fence.

I am not the only one saying that. The career professionals at Border Patrol are saying that is one of the prime things that they need.

Do they say that is the only thing they need? No. There is a lot more they need, but they are saying that is a really important element that they need is that fencing. That slows people down; that funnels people towards gaps. Build a wall system.

No. 2, don't lift title 42, keep it in place. I am not the only one saying that. I had an ambassador from a Central American country contact me this week and say: We are asking the White House not to lift title 42 authority because, in Central America, we are facing thousands of people migrating through our country from all over the world that are headed to the United States, and it is causing economic turmoil in their country. And their fear is, if President Biden lifts title 42 authority, it is going to make a bad situation in their country even worse.

And while President Biden talks about root causes in Central America, Central America is telling the United States: Enforce your border; stop incentivizing people to illegally travel to your border; that is one of the root causes of migration.

Finish building the wall system. Don't lift title 42 authority. Have cooperative agreements with other countries. This has been done by multiple Presidents before to be able to have engagement with other countries so that they enforce their border. And I don't mean just say to them: Go enforce your border. Help them. If they don't enforce their southern border and their southern border and their southern border, it all piles up here, and right now, the Biden administration is just letting them all in.

Asylum hearings: Individuals that request asylum are legally bound to actually have asylum. There is lots of changes that need to happen in asylum laws, but let me just say this simply. This administration right now with current asylum laws could do last in, first up for hearings. Instead of handing people a piece of paper and say, You are here for the next 8 years until the next asylum hearing if you cross the border illegally right now, they say, you have to stay right here at the border for the next 2 weeks; your hearing is in 2 weeks, and it is in that courtroom right over there here at the border.

They go through the legal process to be able to request asylum. When they do not qualify, they are returned. That sends an entirely different signal—because what the Border Patrol tells me now is, when individuals cross the border, get a piece of paper that says you are going to be here for the next 8 years, they quickly pull out their cell phone, snap a picture of it, text their family back home and say: I paid this cartel member, I crossed at this spot, I said these words, and I got this piece of paper; come join me. And the next person comes, and the next person comes.

If what happens instead when they cross the border is they get there and their hearing is in 2 weeks and then they find out they don't qualify for asylum and they are returned, they instead text their family members and say: Don't come. The border is closed.

Nothing has changed at that point other than the enforcement. That can be done right now.

Fourth, Federal courts have required the Biden administration to put what is called MPP or what some people call "Remain in Mexico" back in place. So the Biden administration, following the court order, has spent millions of dollars standing up facilities, putting up courtrooms, and they are putting almost no one through them, so they can tell the Federal court they are doing it.

What do I mean by that? I mean 7,800 people crossing a day illegally, the Biden administration is putting about 2,000 people a month through the MPP process simply so they can say they followed the court order, but they are not.

So 7,800 people a day and they are doing 2,000 a month through MPP. That is decorative; that is not border enforcement. It is why I tell people the Biden administration is getting in illegal immigration exactly what they designed the system to do: to have more people come.

Finally, deport people that a court has ruled they should be deported—this does not mean this is following the law.

We have literally thousands of people in the United States that a Federal court has ruled a final order of removal on individuals and said: You are not legal in this country, and you have gone through all of the process; you need to be removed. Currently, ICE is not removing them. Again, sending the signal to everyone that wants to come here illegally that if you pay the cartels, you get across. You stay for 8 years, and then after 8 years, no one is looking for you.

That is why we had 2 million people last year illegally crossing the border. That is why we had a quarter million people last month illegally cross the border, because this administration just keeps saying, I don't want to be mean. We are going to open this up.

We are not asking for something crazy. We are just asking for the law to be enforced.

What is mean? What is inhumane? I will tell you what is inhumane. In February of this year, Reuters did a story on a young girl named Amelia. Amelia borrowed \$10,000 to pay the smugglers from Guatemala to be able to cross into the United States in Arizona. She borrowed \$10,000 from the human traffickers.

She got across the border. She was referred to the HHS Office of Refugee Resettlements, unaccompanied minors, after crossing. That is right, Amelia is under 18. So HHS processed her through, moved her into the location that she had as a piece of paper to say this is the location I need to go. She traveled to that location and got to that spot, and HHS said: Our duty is done.

When Reuters found her, she was working on a poultry processing farm in rural Alabama with her sister Rosa. When they asked her why she wasn't in school, she responded: School isn't for me; I have debt—because she is working in a poultry processing facility in Alabama to pay off the cartel's \$10,000—she and her sister both.

She also, by the way, paid \$1,500 to get a false Social Security card and a false ID, and she is working to pay off that debt as well.

While the administration continues to call this humane and leadership of CBP calls this orderly this week, I don't think it is humane or orderly for us to open up our borders to individuals being trafficked into our own country to pay cartels \$10,000 a person that then they come into this country and work their debt off in labor camps for the cartel.

By the way, for Amelia and for her sister Rosa, this story can be repeated all over again with multiple individuals who pay off their debt to the cartels by trafficking in illicit materials because the cartel will say: If you took the loan out from us, you pay us back our way.

That is what we are facilitating in America, and all we are asking the Biden administration to do is enforce the law. That is what it means to be President of the United States.

I yield the floor.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 896.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Dara Lindenbaum, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2027.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 896, Dara Lindenbaum, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2027.

Charles E. Schumer, Christopher Murphy, Tina Smith, Robert Menendez, Christopher A. Coons, Michael F. Bennet, Robert P. Casey, Jr., Benjamin L. Cardin, Elizabeth Warren, Tim Kaine, Patty Murray, Jack Reed, Sheldon Whitehouse, Tammy Duckworth, Debbie Stabenow, Edward J. Markey.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 857.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Evelyn Padin, of New Jersey, to be United States District Judge for the District of New Jersey.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 857, Evelyn Padin, of New Jersey, to be United States District Judge for the District of New Jersey.

Charles E. Schumer, Cory A. Booker, Tammy Baldwin, Patrick J. Leahy, Patty Murray, Tina Smith, Sheldon Whitehouse, John W. Hickenlooper, Gary C. Peters, Benjamin L. Cardin, Jeanne Shaheen, Jon Tester, Richard

J. Durbin, Catherine Cortez Masto, Mazie Hirono, Amy Klobuchar, Maria Cantwell.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 915.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Charlotte N. Sweeney, of Colorado, to be United States District Judge for the District of Colorado.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 915, Charlotte N. Sweeney, of Colorado, to be United States District Judge for the District of Colorado.

Charles E. Schumer, Tina Smith, Christopher Murphy, Tim Kaine, Patrick J. Leahy, Jack Reed, Benjamin L. Cardin, Richard J. Durbin, Brian Schatz, Jacky Rosen, Catherine Cortez Masto, Margaret Wood Hassan, Martin Heinrich, Sheldon Whitehouse, Richard Blumenthal, Christopher A. Coons, Tammy Baldwin.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 801.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Nina Morrison,